

MATTERS

33

OF GREAT NOTE

And High Consequence.

CONCERNING

The great and weightie Affairs of
the whole Kingdome, now in Agitation.

L I K E W I S E,

Many Remarkable Passages, concerning the
Militia, now in Dissent between His Royall
Maiessty, and the Honourable Court of Parlia-
liament.

Whereunto is annexed

Some Remarkable Passages, presented to the
whole View of Great Brittain.

Aprill, 19. 1642.

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MATTERS

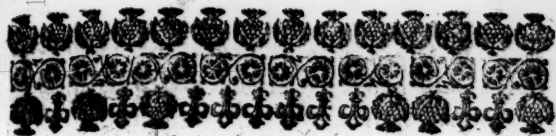
OF THE

THE COURT OF COMMONS

IN PARLIAMENT ASSEMBLED

THE 14th DAY OF JANUARY 1791

REPORTED BY



A

Matter of great Note, and High Con-
sequence.

*Now in Agiton throughout the whole
Kingdome.*

NOW in our extreame Distractions,
when ferraign forces threaten, and
propably are invited, and a malignant and
Popish party at home offended? The Devil
hath cast a bone, and raised a contestation be-
tween the King and Parliament touching
the Militia.

His Maiesty claims the disposing of it
to be in Him by right of Law; The Par-
liament saith *rebus sic stantibus*, and *no-
lenti Rege*, the Ordering of it is in them?

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Answer



VV Hich Question, may
receive its solution by
this distinction. That
there is in Laws an equitable, and a
litterall sence. His Majesty (let it be
granred) is intrusted by Law with the
Militia, but it's for the good and pre-
servatiou of the Republique, against
Forraign Invasions or Domestique Re-
bellions.

For it cannot be supposed, that the
Parliament would ever by Law intrust
the King with the *Militia* against
themselves, or the *Common-wealth*, that
intrusts them to provide for their
Weal, not for their woe.

So that when there is certain appea-
rance grounded suspition, that the Let-
ter of the Layv shall be improved a-
gainst

gainst the *Equity* of it (that is, the
publique good , whether of the body
reall or representative) then the Com-
mander going against its *Equity*, gives
Liberty to the Commanded to refuse
Obedience to the Letter : for the Law
taken abstract from its originall reason
and end, is made a shell without a ker-
nell, a shadow without a substance, and
a body without a soul. It is the Execu-
tion of Laws according to their *Equi-
ty and Reason*, which (as I may say) is
the spirit that gives life to Authority,
the Letter kills.

Nor need this *Equity* be expressed in
the Law, being so Naturally implied
and supposed in all Laws that are not
meerly Imperiall, from that Analogy,
which all bodies politique hold with
the Naturall ; whence all Government
and Governors borrow a proportiona-
ble Respect ; And therefore when the
Militia of an Army is committed to
the General, it is not with any expresse

condition, that he shall not turn the mouths of his *Canons* against his Own Souldiers for that is so Naturally and necessarily implied, that its needlesse to be expressed, insomuch as if he did attempt or command such a thing against the nature of his trust and place, it did *ipso facto* estate the Army, in a right of disobedience, except we think that obedience binds Men to, cut their own throats, or their companions.

And indeed if this distinction be not allowed, then the Legall and mixt *Monarchy* is the greatest *Tyranny*, for if Laws invest the King in an absolute power, and the letter be not controlled by the equity, then whereas other Kings that are absolute *Monarchs* and rule by will, and not by Law, are Tyrants perforce. Those that rule by Law and not by will, have hereby a *Tyrany* confer'd upon them legally, and so the very end of Laws, which is to give bounds and limits to the exorbitant wills of Princes, is by the Laws disappointed for they hereby give corroboration (and much more Iustification to an arbitrary *Tyranny*, by making it legall, not assumed; which Laws are ordained to crasse not countenance:
and

And therefore is the latter (where it seems abso-
lute) alwayes to receive qualification
from the Equity, else thefor-
said absurdity must
follow.

*Published for the good of the Common-
Weale.*



An excellent Copy of Verses.

A Rise, arise, brave Britains bold, couragious be and stout,
Be valiant and be genorous to punish Rebels rout;
We *Scots & English* are made one by concord, peace, & love,
Let us be friendly to our selves, God doth therof approve,
Let *Jesus Christ* be General, let him Commander be,
Of high, of low, of rich, of poor, of all in each degree:
Let us march on in comely rank, *Christ Jesus* being guid;
Then shall we thrive, have good successe, at every time &
Christ Jesus reigns victoriously, & doth stil bear sway (tide
In hearts in minds of faithfull men, that serve him night &
Christ risen is fro death to life, victoriously doth reign (day,
And those that do resist his power, he'll put them al to pain:
Come let our hearts and minds arise & fixed be on heav'n,
And let us walk with *Jesus Christ*, we'll make all things go
Lst us arise fro death to life, from sin to righteufnes (even,
Then make no doubt, *Christ* will grant us good successe,
Our enemies that grieve us sore by their unruly Rout,
By aid of *Jesus Christ* our head, we shall expell them out,
We shall suppress, put them down, them utterly subvert,
If *Scots & English* joyn in love, in friendship with tru hart:
Let us joyn harts & han is in one, in friendship & true love,
Then we in *Christ* shall victors be, our deeds God wil ap-
prove.

Let us be children of the light, victorious we shal be,
The powers of darknesse we shall quell with courage stout
and free.

J. C.

F I N I S.

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